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Attorneys for Defendants
SAFER TECHNOLOGIES, INC.,
CERMA TECHNOLOGY, INC.,
GEORGE ACKERSON, MARY STRANAHAN,
NICHOLAS STREIT and EDWARD HALBACH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOTOR WORKS LLC,

Plaintiff,

vs.

SAFER TECHNOLOGIES, INC., CERMA
TECHNOLOGY, INC., GEORGE
ACKERMAN, MARY STRANAHAN,
NICHOLAS STREIT, TIM STREIT and
EDWARD HALBACH,

Defendants.

Case No.: 08-CV-03608 JW

**DECLARATION OF KRISTEN E. DRAKE
IN SUPPORT OF:**

**DEFENDANTS' RENEWED MOTION
FOR TEMPORARY RESTRAINING
ORDER IN LIGHT OF EVIDENCE JUST
OBTAINED**

AND

**NOTICE OF ADDITIONAL EVIDENCE
JUST OBTAINED IN SUPPORT OF
MOVING PARTIES' REPLY BRIEF IN
SUPPORT OF MOTION FOR LEAVE TO
FILE COUNTERCLAIMS**

Date: March 8, 2010
Time: 9:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

I, Kristen E. Drake, declare:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California. I am associated with the law firm of Craigie, McCarthy & Clow, attorneys of

1 record for defendants Safer Technologies, Inc., Cerma Technology, Inc., George Ackerson, Mary
2 Stranahan, Nicholas Streit and Edward Halbach.

3 2. Attached hereto as Exhibit "A" is a true and correct copy of the Affidavit of
4 Daniel M. Godbout. On the evening of Tuesday, February 23, 2010, I spoke with Mr. Godbout.
5 He stated that he had checked his records and the conversation with John Murray took place on or
6 about August of 2008, *not* "[o]n or about March of 2008" as is stated in paragraph 2 of his
7 declaration. Pursuant to Mr. Godbout's oral authorization to me over the telephone, I crossed out
8 "March" and wrote in "August" and placed my initials next to the correction.

9 3. I gave opposing counsel Mr. Robert Weems notice of defendants' intention to
10 move for a temporary restraining by e-mailing him on Tuesday, February 23, 2010. A true and
11 correct copy of the e-mail is attached hereto as Exhibit "B".

12 4. I am over eighteen years of age and have the capacity to perceive and recollect. If
13 called upon to testify, I am competent to testify to the foregoing matters, which are within my
14 personal knowledge.

15
16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct and that this declaration was executed on February 23, 2010.

18
19
20 /s/ Kristen E. Drake
Kristen E. Drake

Exhibit “A”

AFFIDAVIT OF DANIEL M. GODBOUT

PROVINCE OF NEW BRUNSWICK §
COUNTRY OF CANADA §
COUNTY OF GLOUCESTER §

1) I, DANIEL M. GODBOUT; I am competent to make this Affidavit; have personal knowledge of the facts which I relate; and they are true and correct.

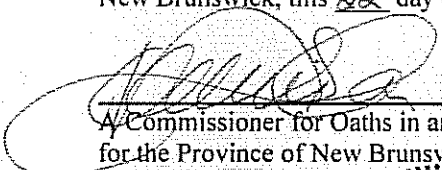
2) On or about ~~March~~ ^{August} of 2008 A.D., John Murray of Motorworks, LLC, &/or Cerma Organic International called me and asked for my help with some Rip Off reports that he had filed against companies and products. The Rip Off reports are on the internet on the Rip Off Report web site and are against the products Cermax plus CerBond, and the companies Safer Technologies and ceramic Performance Worldwide, LLC.

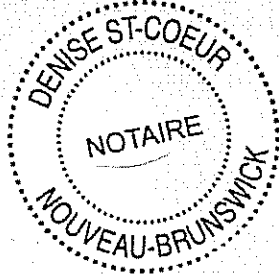
3) John was asking for my help as it relates to internet ranking with the Rip Off reports. He stated the reports he filed were having unintended damaging results to his product and company and against his Cerma Canada Distributor.

4) The specific help he was seeking was to see if I would help him to lower the ranking on the reports that were causing him and his distributors damage and/or concern. I elected not to assist him.

FURTHER AFFIANT SAYETH NOT.

SWORN BEFORE ME at the town
of Carleton Place, in the Province of
New Brunswick, this 22 day of February, 2010.


A Commissioner for Oaths in and
for the Province of New Brunswick



Per: 

DANIEL M. GODBOUT

Exhibit “B”

From: craigielaw@aol.com

To: rcweems@weemslawoffices.com

Cc: JimHanavan@aol.com

Subject: Renewed Motion for Temporary Restraining Order

Date: Tue, Feb 23, 2010 7:42 pm

Dear Mr. Weems,

We write to give you notice that tomorrow, February 24, 2010, defendants plan on seeking a Temporary Restraining Order based upon their renewed motion for temporary restraining order which will be filed tonight. We are informed that upon filing the papers, the court will then set a hearing date for the TRO. We will keep you informed of the hearing date.

Defendants ask the Court to enjoin plaintiff Motor Works and John Murray, as well as their successors, assigns, officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, all other persons or entities directly or indirectly under their control or under common control with any of them, and all other persons or entities in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, including but not limited to fictitious business names, and each such person from publishing false statements about defendants, their products or services on "Ripoff Report", or any other website or written form of media.

Further, Defendants ask the Court to enjoin plaintiff Motor Works and John Murray as well as their successors, assigns, officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, all other persons or entities directly or indirectly under their control or under common control with any of them, and all other persons or entities in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, including but not limited to fictitious business names, and each such person from using or registering any CERMAX and CERMA ADVANCED LUBRICATION TECHNOLOGY mark, however spelled or punctuated, whether capitalized, abbreviated, singular or plural, printed or stylized, whether alone or in combination with any word(s), punctuation or symbol(s), and whether used in caption, text, orally or otherwise, or any other reproduction, counterfeit, copy, colorable imitation or confusingly similar variation of the CERMAX and CERMA ADVANCED LUBRICATION TECHNOLOGY mark, as a trademark or service mark, trade name or domain name, or using such a mark in the advertising, distribution, sale, or offering for sale of any products or services.

Sincerely,

Kristen Drake